

**UNITED STATES PATENT AND TRADEMARK OFFICE**

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Sally Gardner Lane
Telephone: (571) 272-9797
Facsimile: (571) 273-0042

MAILED**MAY - 4 2007**

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Applicants: Heath et al.
Application No.: 08/699,716
Filed: 08/27/96
For: Recombinant F1-V Plague Vaccines

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,564.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ Sally Gardner Lane
SALLY GARDNER LANE
Administrative Patent Judge

Mail Stop Interference
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Fax: 571-273-0042

Filed May 4, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DAVID G. HEATH,
ARTHUR M. FRIEDLANDER, GEORGE W. ANDERSON JR.,
and SUSAN L. WELKOS
Junior Party

(Application 08/699,716),

MAILED

v.

MAY - 4 2007

RICHARD WILLIAM TITBALL,
ETHEL D. WILLIAMSON, SOPHIE E.C. LEARY, PAT. & T.M. OFFICE
PETRA C.F. OYSTON, and ALICE M. BENNE, BOARD OF PATENT APPEALS
AND INTERFERENCES
Senior Party

(Patent 5,985,285).

Patent Interference No. 105,564
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-identified
3 parties. Details of the application(s), patent (if any), reissue application (if any),
4 count(s) and claims designated as corresponding or as not corresponding to the
5 count(s) appear in Parts E and F of this DECLARATION.

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part B. Judge managing the interference**

2 Administrative Patent Judge Sally Gardner Lane has been designated to
3 manage the interference. Bd. R. 104(a).

4 **Part C. Standing order**

5 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
6 DECLARATION. The STANDING ORDER applies to this interference.

7 **Part D. Initial conference call**

8 A telephone conference call to discuss the interference is set for **2:00 p.m. on**
9 **10 July 2007** (the Board will initiate the call).

10 No later than **four business days** prior to the conference call, each party shall
11 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;
12 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

13 A sample schedule for taking action during the motion phase appears as Form 2
14 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to
15 the conference call and to agree on dates for taking action. A typical motion period
16 lasts approximately eight (8) months. Counsel should be prepared to justify any
17 request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: DAVID G. HEATH, LANSTUHL, GERMANY;
ARTHUR M. FRIEDLANDER, GAITHERSBURG, MD;
GEORGE W. ANDERSON JR., FREDERICK, MD;
SUSAN L. WELKOS, FREDERICK, MD;

Involved Application: 08/699,716, filed 27 August 1996

Title: RECOMBINANT F1-V PLAGUE VACCINE

Assignee: UNITED STATES ARMY

Senior Party

Named Inventors: RICHARD WILLIAM TITBALL, SALISBURY, GB,
UNITED KINGDOM;

ETHEL D. WILLIAMSON, SALISBURY, GB, UNITED
KINGDOM;

SOPHIE E.C. LEARY, SALISBURY, GB, UNITED
KINGDOM;

PETRA C.F. OYSTON, SALISBURY, GB,
UNITED KINGDOM;

ALICE M. BENNETT, SALISBURY, GB,
UNITED KINGDOM;

Involved Application: 08/913,477, filed 15 September 1997
Issued as 5,985,285 on 16 November 1999

Title: VACCINES FOR PLAGUE

Assignee: THE SECRETARY OF STATE FOR DEFENCE IN
HER BRITANIC MAJESTY'S GOVERNMENT OF
THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND

1 The senior party is assigned exhibit numbers 1001-1999. The junior party is
2 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior
3 party is responsible for initiating settlement discussions. SO ¶ 126.1.

4
5 **Part F. Count and claims of the parties**

6 Count 1

7 Claim 13 of Heath (08/699,716) or claim 17 of Titball (5,985,285).

8 The claims of the parties are:

9 Heath: 1-3, 5, 8-17, and 31

10 Titball: 1-48

11 The claims of the parties which correspond to Count 1 are:

12 Heath: 1, 2, 7, 9, 10, and 12 -17

13 Titball: 1-4, 8-17, 21-31, 36, 42, 43, and 48

14 The claims of the parties which do not correspond to Count 1, and
15 therefore are not involved in the interference, are:

16 Heath: 3, 5, 8, 11, and 31

17 Titball: 5-7, 18-20, 32-35, 37-41, and 44-47

18 The parties are accorded the following benefit for Count 1:

19 Titball:

20 PCT/GB96/00571, filed 13 March 1996

21 UNITED KINGDOM 9505059.7, filed 13 March 1995

22 UNITED KINGDOM 9518946.0, filed 15 September 1995

23 UNITED KINGDOM 9524825.8, filed 5 December 1995

1 Heath:

2 None

3
4 **Part G. Heading to be used on papers**

5 The following heading must be used on all papers filed in this interference, see
6 SO ¶ 106.1.1:

7
8 UNITED STATES PATENT AND TRADEMARK OFFICE

9
10 _____
11 BEFORE THE BOARD OF PATENT APPEALS
12 AND INTERFERENCES

13 _____
14 DAVID G. HEATH,
15 ARTHUR M. FRIEDLANDER, GEORGE W. ANDERSON JR,
16 and SUSAN L. WELKOS
17 Junior Party

18
19 (Application 08/699,716),

20
21 v.

22 RICHARD WILLIAM TITBALL,
23 ETHEL D. WILLIAMSON, SOPHIE E.C. LEARY,
24 PETRA C.F. OYSTON, and ALICE M. BENNETT
25 Senior Party

26
27 (Patent 5,985,285).

28
29 _____
30 Patent Interference No. 105,564
31 (Technology Center 1600)

32
33 _____
34 **Part H. Order form for requesting file copies**

35 When requesting copies of files, use of SO Form 4 will greatly expedite
36
37 processing of the request. Please attach a copy of Parts E and F of this

- 1 DECLARATION with a hand-drawn circle around the patents and applications for which
- 2 a copy of a file wrapper is requested.

/Sally Gardner Lane/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy claims of involved patent and application
PTO Form 850

Revised 3 January 2006

cc (via overnight delivery):

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Paper 1

Filed May 4, 2007

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